

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Tirom Marselle Toler**

**Docket No. 5:12-CR-267-2H**

**Petition for Action on Supervised Release**

COMES NOW Scott Plaster, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Tirom Marselle Toler, who, upon an earlier plea of guilty to Distribution of 28 Grams or More of Cocaine Base (Crack) and Aiding and Abetting, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on June 5, 2013, to the custody of the Bureau of Prisons for a term of 60 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Tirom Marselle Toler was released from custody on December 19, 2016, at which time the term of supervised release commenced.

On February 2, 2017, the court was notified via a Violation Report that the defendant had tested positive for marijuana and cocaine during his initial meeting with the probation officer on January 3, 2017. Supervision was permitted to continue with no punitive sanction imposed in lieu of the defendant being referred for a substance abuse assessment and any recommended treatment, in addition to placement in the Surprise Urinalysis Program.

On March 20, 2017, the conditions of supervised release were modified to include 2 weekends in custody, as arranged by the probation officer, in addition to the inclusion of the DROPS Program beginning at the third use level following the defendant's use of cocaine which was discovered during a random drug test on February 14, 2017.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** While trying to schedule the defendant's weekends in custody, the Bureau of Prisons experienced delays in getting the two weekends scheduled. During that time period, the defendant tested positive for cocaine again on March 27, 2017. The probation office then arranged for the defendant to serve 10 days of confinement. When the defendant reported for his 10-day period of confinement on June 23, 2017, he was scheduled to be released on July 2, 2017; however, he was released on June 25, 2017. The Bureau of Prisons notified the probation officer that there was a mix-up in the paperwork received by the local jail. The probation office is now responsible for scheduling seven additional days in custody at a later date. Rather than adding further delay to the process, we are recommending that the defendant submit to location monitoring with a curfew for a period of 30 days in lieu of the remaining seven days owed in custody since the Bureau of Prisons cannot accommodate allowing the defendant to complete the remaining balance of confinement over the course of several weekends. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

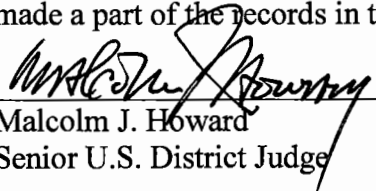
I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Jeffrey L. Keller  
Jeffrey L. Keller  
Supervising U.S. Probation Officer

/s/ Scott Plaster  
Scott Plaster  
U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: 919-861-8808  
Executed On: July 3, 2017

**ORDER OF THE COURT**

Considered and ordered this 7th day of July 2017, and ordered filed and  
made a part of the records in the above case.

  
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Malcolm J. Howard  
Senior U.S. District Judge